

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by  
5 changing Section 17-121 and adding Section 17-126.1 as  
6 follows:

7 (40 ILCS 5/17-121) (from Ch. 108 1/2, par. 17-121)

8 Sec. 17-121. Survivor's and Children's pensions -  
9 Eligibility. A surviving spouse of a teacher shall be  
10 entitled to a survivor's pension ~~only if he was married to~~  
11 ~~the contributor for at least 1-1/2 years immediately prior to~~  
12 ~~his death or retirement, whichever first occurs, and also on~~  
13 ~~the date of the last termination of his service.~~

14 If the surviving spouse is under age 50 and there are no  
15 eligible minor children born to or legally adopted by the  
16 contributor and his surviving spouse, payment of the  
17 survivor's pension shall begin when the surviving spouse  
18 attains age 50.

19 Beginning January 1, 2002, remarriage at any age by a  
20 surviving spouse shall not terminate his or her survivor's  
21 pension. A pensioner whose survivor's pension was terminated  
22 due to remarriage may reestablish his or her survivor's  
23 pension upon repayment of his or her survivor refund with  
24 interest in accordance with Section 17-126.1.

25 Remarriage of the surviving spouse prior to September 1,  
26 1983 while in receipt of a survivor's pension shall  
27 permanently terminate payment thereof, regardless of any  
28 subsequent change in marital status; however, beginning  
29 September 1, 1983, remarriage of a surviving spouse after  
30 attainment of age 55 shall not terminate the survivor's  
31 pension. A surviving spouse whose pension was terminated on

1 or after September 1, 1983 due to remarriage after attainment  
2 of age 55, and who applies for reinstatement of that pension  
3 before January 1, 1990, shall be entitled to have the pension  
4 reinstated effective January 1, 1990.

5 (Source: P.A. 86-273.)

6 (40 ILCS 5/17-126.1 new)

7 Sec. 17-126.1. Repayment of survivor's refund. If any  
8 person receives a survivor's refund pursuant to Section  
9 17-125 and chooses to reestablish a survivor's or children's  
10 pension pursuant to Section 17-121, then he or she shall pay  
11 back to the Fund the survivor refund together with interest  
12 thereon at the rate of 5% per year, compounded annually from  
13 the time the refund was paid to the date of repayment.

14 Section 90. The State Mandates Act is amended by adding  
15 Section 8.25 as follows:

16 (30 ILCS 805/8.25 new)

17 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
18 and 8 of this Act, no reimbursement by the State is required  
19 for the implementation of any mandate created by this  
20 amendatory Act of the 92nd General Assembly.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.